

UNITED STATES DISTRICT COURT

District of South Carolina

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

vs.

Case Number: 2:11-cr-00511-BHH-3

GENPHAR, INC.Michael O'Connell

Defendant's Attorney

THE DEFENDANT:

- ☐ pleaded guilty to Count ____.
- ☐ pleaded nolo contendere to count(s) _____ which was accepted by the court.
- ☒ was found guilty on count(s) 1, 7, 13 through 34 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:371	Please see third superseding indictment	10/14/09	1
18:641 and 2	Please see third superseding indictment	10/8/08	7
18:1343 and 2	Please see third superseding indictment	7/2/09	13

Additional Offenses Continued on Next Page

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) ____.
- ☒ Counts 2 through 6 and 8 through 12 are dismissed November 10, 2014 on the motion of the United States.
- ☐ Forfeiture provision is hereby dismissed on motion of the United States Attorney.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

May 2, 2017

Date of Imposition of Judgment

S/ Bruce H. Hendricks

Signature of Judge

Hon. Bruce H. Hendricks, United States District Judge

Name and Title of Judge

May 2, 2017

Date

DEFENDANT: GENPHAR, INC.
CASE NUMBER: 2:11-cr-00511-BHH-3

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1343 and 2	Please see third superseding indictment	7/2/09	14
18:1343 and 2	Please see third superseding indictment	7/2/09	15
18:1343 and 2	Please see third superseding indictment	7/2/09	16
18:1343 and 2	Please see third superseding indictment	7/2/09	17
18:1343 and 2	Please see third superseding indictment	7/2/09	18
18:1343 and 2	Please see third superseding indictment	7/2/09	19
18:1343 and 2	Please see third superseding indictment	7/2/09	20
18:1343 and 2	Please see third superseding indictment	7/2/09	21
18:1343 and 2	Please see third superseding indictment	7/2/09	22
18:1343 and 2	Please see third superseding indictment	7/2/09	23
18:1343 and 2	Please see third superseding indictment	7/2/09	24
18:1343 and 2	Please see third superseding indictment	7/2/09	25
18:1343 and 2	Please see third superseding indictment	7/2/09	26
18:1343 and 2	Please see third superseding indictment	7/2/09	27
18:1343 and 2	Please see third superseding indictment	7/2/09	28
18:1343 and 2	Please see third superseding indictment	7/2/09	29
18:1343 and 2	Please see third superseding indictment	7/2/09	30
18:1343 and 2	Please see third superseding indictment	7/2/09	31
18:1343 and 2	Please see third superseding indictment	7/2/09	32
18:1343 and 2	Please see third superseding indictment	7/2/09	33
18:1343 and 2	Please see third superseding indictment	7/2/09	34

DEFENDANT: GENPHAR, INC.
CASE NUMBER: 2:11-cr-00511-BHH-3**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	<u>\$2,400.00</u>	<u>\$6,423,199.66</u>	<u>\$</u>

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case*(AO245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TOTALS	\$_____	\$_____	

- ☐ Restitution amount ordered pursuant to plea agreement \$_____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 5 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☒ The interest requirement is waived for the ☒ fine ☐ restitution.
- ☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

**Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: GENPHAR, INC.
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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$2,400.00 special assessment fee and a fine in the amount of \$6,423,199.66, both due immediately.
- ☐ not later than _____, or
- ☐ in accordance with ☐ C, ☐ D, or ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (weekly, monthly, quarterly) installments of \$_____ over a period of _____ (e.g., months or years), to commence _____ (30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (weekly, monthly, quarterly) installments of \$_____ over a period of _____ (e.g., months or years), to commence _____ (30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

As directed in the Preliminary Order of Forfeiture, filed April 27, 2017 and the said order is incorporated herein as part of this judgment.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.